

Effective 5/13/2014

17B-1-301 Board of trustees duties and powers.

- (1)
 - (a) Each local district shall be governed by a board of trustees which shall manage and conduct the business and affairs of the district and shall determine all questions of district policy.
 - (b) All powers of a local district are exercised through the board of trustees.
- (2) The board of trustees may:
 - (a) fix the location of the local district's principal place of business and the location of all offices and departments, if any;
 - (b) fix the times of meetings of the board of trustees;
 - (c) select and use an official district seal;
 - (d) subject to Subsections (3) and (4), employ employees and agents, or delegate to district officers power to employ employees and agents, for the operation of the local district and its properties and prescribe or delegate to district officers the power to prescribe the duties, compensation, and terms and conditions of employment of those employees and agents;
 - (e) require district officers and employees charged with the handling of district funds to provide surety bonds in an amount set by the board or provide a blanket surety bond to cover officers and employees;
 - (f) contract for or employ professionals to perform work or services for the local district that cannot satisfactorily be performed by the officers or employees of the district;
 - (g) through counsel, prosecute on behalf of or defend the local district in all court actions or other proceedings in which the district is a party or is otherwise involved;
 - (h) adopt bylaws for the orderly functioning of the board;
 - (i) adopt and enforce rules and regulations for the orderly operation of the local district or for carrying out the district's purposes;
 - (j) prescribe a system of civil service for district employees;
 - (k) on behalf of the local district, enter into contracts that the board considers to be for the benefit of the district;
 - (l) acquire, construct or cause to be constructed, operate, occupy, control, and use buildings, works, or other facilities for carrying out the purposes of the local district;
 - (m) on behalf of the local district, acquire, use, hold, manage, occupy, and possess property necessary to carry out the purposes of the district, dispose of property when the board considers it appropriate, and institute and maintain in the name of the district any action or proceeding to enforce, maintain, protect, or preserve rights or privileges associated with district property;
 - (n) delegate to a district officer the exercise of a district duty; and
 - (o) exercise all powers and perform all functions in the operation of the local district and its properties as are ordinarily exercised by the governing body of a political subdivision of the state and as are necessary to accomplish the purposes of the district.
- (3)
 - (a) As used in this Subsection (3), "interim vacancy period" means:
 - (i) if any member of the local district board is elected, the period of time that:
 - (A) begins on the day on which an election is held to elect a local district board member; and
 - (B) ends on the day on which the local district board member-elect begins the member's term;or
 - (ii) if any member of the local district board is appointed, the period of time that:
 - (A) begins on the day on which an appointing authority posts a notice of vacancy in accordance with Section 17B-1-304; and

- (B) ends on the day on which the person who is appointed by the local district board to fill the vacancy begins the person's term.
- (b)
 - (i) The local district may not hire during an interim vacancy period a manager, a chief executive officer, a chief administrative officer, or a similar position to perform executive and administrative duties or functions.
 - (ii) Notwithstanding Subsection (3)(b)(i):
 - (A) the local district may hire an interim manager, a chief executive officer, a chief administrative officer, or a similar position during an interim vacancy period; and
 - (B) the interim manager's, chief executive officer's, chief administrative officer's, or similar position's employment shall terminate once a new manager, chief executive officer, chief administrative officer, or similar position is hired by the new local district board after the interim vacancy period has ended.
- (c) Subsection (3)(b) does not apply if:
 - (i) all the elected local district board members who held office on the day of the election for the local district board members, whose term of office was vacant for the election are re-elected to the local district board; and
 - (ii) all the appointed local district board members who were appointed whose term of appointment was expiring are re-appointed to the local district board.
- (4) A local district board that hires an interim manager, a chief executive officer, a chief administrative officer, or a similar position in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the interim manager, chief executive officer, chief administrative officer, or similar position.

Amended by Chapter 362, 2014 General Session